

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 10, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Vivian Rojas and Anthony Cobos. Absent: None. Late arrival: Paul J. Escobar. Meeting was called to order at 9:06 a.m. and the invocation was given by Police Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Ms. Betti Flores, County Commissioner, welcomed the new Council Members and stated that the Commissioners' doors were open to all Council Members. She remarked that the Commissioners were looking forward to working together with the new administration for the betterment of the community.
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Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to refer to the Parks and Recreation Legislative Review Committee, to be discussed at their earliest scheduled meeting, the issues raised by Ms. Carole Carrera regarding the Parks and Recreation Swimming Program and other activities.

Ms. Caroline Carrera, citizen, distributed copies of a prepared statement (on file in the City Clerk's office) and requested Council Members' assistance regarding those matters. She remarked that her concerns had been discussed on previous occasions and invited Council Members to attend a summer league swim meet.

Mr. Ray Cox, Director of Parks & Recreation, remarked that he had met with Ms. Carrera last week concerning the possibility of the Hawkins Pool booster club utilizing the Shawver Pool concession area as a fundraiser for her swim team. He stated that he would be happy to speak with Ms. Carrera regarding her concerns as presented today and mentioned that the Department had a "Grievance Committee" specifically for the aquatics program. He explained that the Department was user fee funded for all programs and that the Department must raise funds to cover expenses for the summer swim league.

Representative Jose Alexandro Lozano stated he had previously been a member of the Parks Board and questioned the allocation of \$1 million in user fee overage.

Mr. Cox elaborated that each individual recreation or senior center facility utilized independent user fee programs and he explained how the accounting of those funds was managed for the various Parks programs.

Representative Cobos thanked Ms. Carrera for her comments and stated that Council Members and the Parks and Recreation Department would address those concerns brought before the Council today.

Motion made, seconded and carried to appoint Representative Anthony W. Cobos as Mayor Pro Tempore.

AYE: Representatives Austin, Cushing, Lozano, Rojas, and Cobos.

NAY: Representatives Cook, Power, and Escobar.

Motion made, seconded and unanimously carried to appoint Representative Paul J. Escobar as Deputy Mayor Pro Tempore.

Representative Power moved to nominate Representative Cook as Mayor Pro Tem.

Representative Cushing moved to nominate Representative Cobos as Mayor Pro Tem. Representative Rojas seconded.

Representative Escobar seconded Representative Power's motion to nominate Representative Cook as Mayor Pro Tem.

Ms. Rita Rodriguez, City Attorney, explained that Representative Power's motion did not have a second; therefore, the Representatives would be voting on the motion made by Representative Cushing.

Representative Power explained that the position of Mayor Pro Tem was head of the Legislative Branch of the City's government and required an individual having thorough knowledge of the City Charter. He opined that Representative Cook best met those qualifications.

Representative Escobar concurred with statements made by Representative Power and stated he would support Representative Cook as Mayor Pro Tem.

The vote was taken appointing Representative Cobos as Mayor Pro Tem with the following results:

Aye votes: Representatives Austin, Cushing, Lozano, Rojas, and Cobos

Nay votes: Representatives Cook, Power, and Escobar

Motion passed 5-3.

Representative Cobos thanked the Council Members for their support and stated that he was committed to his District and to the City at large.

Mayor Joe Wardy stated that the decision to appoint a Mayor Pro Tem was difficult and noted each Council Member brought great energy and experience to the Council.

Representative Cook moved to appoint Representative Power as Deputy Mayor Pro Tem. Representative Cobos seconded.

Representative Power moved to appoint Representative Escobar as Deputy Mayor Pro Tem

Representative Cook withdrew his motion to appoint Representative Power as Deputy Mayor Pro Tem and seconded Representative Power's motion.

Mr. Luis Sariñana, citizen, stated that he had previously held the position of Deputy Mayor Pro Tem and noted that the position was a great responsibility.

The vote was taken appointing Representative Escobar as Deputy Mayor Pro Tem with the following results:

Aye votes: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos.

Representative Escobar thanked the Council Members for bestowing on him such a great honor.

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Motion made, seconded and unanimously carried to postpone one (1) week the Resolution adopting the Rules of Order for City Council meetings; continue the current Rules of Order for City Council meetings with the elimination of the three (3) minute rule for public comment and to schedule a Legislative Review Committee Meeting of the Whole and bring the Resolution adopting the Rules of Order back to City Council after the Legislative Review Committee Meeting of the Whole takes place.

Representative Cook requested that the current Rules of Order be continued with the exception that the rule regarding the three-minute timer be removed. He commented on Robert's Rules of Order and stated that the purpose of Robert's Rules was to restrict legislation and impede the legislative process. He moved to continue the current Rules of Order and postpone the item for four weeks. Representative Cobos seconded.

Mr. Ray Gilbert, citizen, welcomed the new Council Members and commented on the Quality of Life issues that the community voted on and approved three years ago. He stated that Council Members must adhere to the same Rules as the citizens must adhere to.

Representative Power questioned whether or not the new voting system would be included in the new Rules of Order to be brought before Council Members in four weeks. He expressed that Council should adopt the Rules of Order sooner than four weeks.

Representative Cook appealed to the Council Members that they peruse Robert's Rules of Order prior to voting on the Resolution adopting the Rules of Order and moved to postpone the item for one week.

Ms. Rita Rodriguez, City Attorney, clarified that the motion was to continue with the current Rules of Order and to postpone the matter for one week.

Representative Cobos remarked that new Council Members had not yet become acclimated to their new surroundings and that postponing the matter for four weeks was an intelligent decision. He stated that the issue at hand was in reference to the new electronic voting system and whether or not Council would implement the voting system.

Representative Power commented that Council Members had not yet utilized the new voting equipment and suggested an amendment to the motion to reference utilizing the voting system on a trial basis.

Representative Cobos requested Representative Cook amend his motion to recommend a Legislative Review Committee of the Whole meeting so that Council Members might familiarize themselves with the new electronic voting equipment.

Representative Cook accepted Representative Cobos' suggestion to amend his motion and requested Representative Cobos schedule the Legislative Review Committee of the Whole meeting as soon as possible. Representative Cobos seconded.

Ms. Richarda Duffy Momsen, City Clerk, read the motion into the record.

Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Motion made, seconded and unanimously carried to approve the Minutes for Special City Council Meeting of February 21, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the City of El Paso and the El Paso Hispanic Chamber of Commerce to co-sponsor the International Trade Conference at the Airport Hilton Hotel on August 8, 2003.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services between the City of El Paso, Texas, and Gayle-Reid Appraisal Services, Inc., together with related documents, for the following properties: Two separate land parcels at the northeast corner of Yarbrough (Global Reach) and Montana, each containing 25.0 acres of land, more or less.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a La Placita Lease Agreement between the City of El Paso and ShoeSpring, Inc.™ dba Spira™ to lease space within La Placita Shopping Mall in the Airport terminal building, El Paso, Texas effective June 10, 2003.

Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Partial Release of Judgment Lien in connection with a judgment in the amount of FOUR HUNDRED SIXTY THREE AND NO/100THS DOLLARS (\$463.00) against Arthur E. Graves dated June 17, 1994, recorded in Volume 2848, Page 48 of the Real Property Records of El Paso County Texas against the following described real property:

Lot 28, Block 2, WOODLAND VISTA ESTATES, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 3, Page 48, of the Plat Records of El Paso County, Texas; also known and numbered as 5015 Columbine, El Paso, Texas 79922.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a letter supporting an application by the University of Texas at El Paso to the Department of Housing and Urban Development for a \$600,000 grant from the Hispanic Serving Institutions Assisting Communities (HSIAC) Program for a "Universities as Good Neighbors: Through Technology, Innovation and Economic Development" proposal. The grant will be used for creation of an economic community development partnership that oversees development of a strategic university neighborhood-planning and economic development document and establishment of a community E-Center for technology access. As a project partner, the City will provide in-kind staff support over a three-year period from the Departments of Planning, Research & Development, Community & Human Development, Economic Development, Grant's Office and Mayor's Office in development of the strategic document and providing assistance for establishment of the E-Center.

NOTE: Description of the proposal in this Resolution was revised to read " Towards Economic Growth Through Connection of University Resources to Community Needs."

Ms. Lisa Turner, citizen, requested postponing the item as the proposal was 73-pages in length and to allow Council Members and the public ample time to peruse such a lengthy document.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, provided back-up information on the partnership between the City and the University of Texas at El Paso.

Representative Power further elaborated on the grant and the uses thereof and noted that this was a wonderful example of public/private partnerships.

Representative Rojas questioned why the Department of Housing and Urban Development did not approve the grant request submitted by UTEP last year.

Dr. Dennis Soden, Economics Professor, University of Texas at El Paso, explained that the process was very competitive and that the Department of Housing and Urban Development had requested the University submit their bid proposal for this year's consideration.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso approves the participation by the El Paso Fire Department in the Independence Day Parade to be held by the Rotary Club of West El Paso on July 4, 2002 by providing a 1948 Mack Fire Engine and Pumper 4 as an entries in the parade.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Placing condemnation liens on the following properties (legal descriptions on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

2917 Brian Allin Drive	\$1,413.99	Maria E. and Minda Navarro
634 Casa Grande Place	\$6,190.25	Consuelo Luna
10128 Montwood Drive	\$4,393.09	David Kraul

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 Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the Union Plaza Transit Terminal, located at 400 W. San Antonio, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. Three (3) 167 kva overhead transformers will be installed to service the electrical load.

Representative Robert A. Cushing Jr. commented on the overhead transformers and the purpose of said transformers.

Mr. Raymond L. Telles, Assistant City Attorney, noted that the transformers would provide needed electrical service at the Union Plaza Transit Terminal, currently under construction.

Motion made by Representative Lozano, seconded by Representative Power and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation with the El Paso Electric Company to provide for the installation of overhead electrical service for a ½ HP pump for the McCombs Landfill Facility, located at 13600 McCombs, El Paso, El Paso County, Texas.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed \$50,000.00 from the Texas Department of Transportation, for the purpose of conducting special impaired driving traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. No matching funds required.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application for a COPS Homeland Security Overtime Program Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$234,346.00 for the purpose of paying overtime to police officers in times when increased security is needed at strategic locations in the City; matching funds required in the amount of \$78,115.00.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept donations from various business, civic organizations and citizens of money, items to assist with community clean-up projects and sealed refreshments for volunteers for Pride Day on October 18, 2003; that the Chief of Police or his designee compile a list of all contributions; and that the City Council finds a public purpose in the distribution of any donated refreshments to volunteers working with community clean-up projects on Pride Day.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application for a COPS in Schools 2003 Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$471,900.00 for the purpose of deploying four (4) additional School Resource Officers at the Ysleta Independent School District to work in and around schools as part of an overall plan to address crime and related problems through community policing. No matching funds are required.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit ten separate grant applications and related documentation from the City of El Paso Police Department to the Wal-Mart Foundation for ten Safe Neighborhood Heroes grants for funds in the amount of \$1,500.00 each, for the purpose of obtaining equipment and supplies to be used in connection with the Police Explorer Scout programs and activities that are supported by the Police Department. No matching funds required.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Reaffirmation Agreement between the City of El Paso and Lorenzo Mendoza and Maria Del Carmen Mendoza, which reaffirms the First Time Homebuyer loan to the City for the property located at 7418 Cuba Drive, El Paso, Texas.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Five Thousand Two Hundred Fifty And No/100ths Dollars (\$ 5,250.00 - \$4,510 loan/\$740 grant) against the following described real property:

Lot 1222, Block 49, Mountain View Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 1, Page 62, Plat Records of El Paso County, Texas; also known and numbered as 5148 Blue Ridge Dr., El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Two Thousand One Hundred Forty-Seven And 42/100ths Dollars (\$2,147.42).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Twelve Thousand Five Hundred And No/100ths Dollars (\$ 12,500.00 - \$11,360.00 loan/\$1,140.00 grant) against the following described real property:

Lots 42 and 43, Block 36, Manhattan Heights Addition, an addition to the City of El Paso, El Paso County, Texas: also known and numbered as 2711 San Jose Ave., El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Nineteen And 84/100ths Dollars (\$19.84).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand Five Hundred And No/100ths Dollars (\$ 8,500.00 - \$7,795.00 Loan/\$705.00 Secured Grant) against the following described real property:

Lot 286, Loma Terrace No. 5A Section One, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 49, Plat Records of El Paso, County, Texas - also known and numbered as 8101 Sandland, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Seven Hundred Twelve And 00/100ths Dollars (\$712.00).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand Five Hundred Twenty And No/100ths Dollars (\$ 8,520.00 - \$7,745.00 loan/\$775.00 grant) against the following described real property:

Lot 372, Block 17, Crest Hill Terrace Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 8, Page 34, Plat Records of El Paso County, Texas: also known and numbered as 6325 Aztec, El Paso, Texas 79925.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-057-1, City of El Paso Concentration Account:

- | | |
|---------|--|
| GROUP 1 | Robert E. Blackwood, Acting Comptroller
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget |
| GROUP 3 | Joe Wardy, Mayor |

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 7206-109-417-3, City of El Paso Employee Health Benefits Account:

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|---------|--|
| GROUP 1 | Robert E. Blackwood, Acting Comptroller
Frank Keton, Accountant IV
Debra Tombosky, Accountant III |
| GROUP 2 | Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget |

GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-065-9, City of El Paso Payroll Account:

GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III

GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Diana Nuñez, Deputy City Clerk
 David Almonte, Director, Office of Management & Budget

GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-001-0, City of El Paso Pension Payroll Account:

GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III

GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Diana Nuñez, Deputy City Clerk
 David Almonte, Director, Office of Management & Budget

GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-227-045-2, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

- GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III
- GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Diana Nuñez, Deputy City Clerk
 David Almonte, Director, Office of Management & Budget
- GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-201-977-6, Tax Overpayment Refunds Account, and Account Number 1500-201-978-4, Prepaid Property Taxes Account.

- GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III
- GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Juan Sandoval, Tax Assessor / Collector
 Lilia Worrell, Tax Deputy Administrator
- GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for these accounts which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for Wells Fargo - City Tax Assessor Account Number 7480012579 (Property Tax Collections):

- GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III

GROUP 3 Joe Wardy, Mayor

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign an application to cross a portion of El Paso County Water Improvement District No. 1 property known as the Mesa Drain, for the project known as "Mesa Drain Bike Trail Improvements", such application is to include an application fee of \$1,000.00; and that the Mayor be authorized to submit to the El Paso County Water Improvement District No. 1 an additional \$500.00 fee for surveying costs related to this project. Total cost to the City is ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 3, Block 1-B, El Paso International Airport Tracts, Unit 6, El Paso County, Texas.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 13, Block 1, Hadlock Gardens and Block 11, Tract 27-A, E. Bennet Survey #11, El Paso County, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of E.R. Talley Survey #7, El Paso County, Texas.

Motion made, seconded and unanimously carried to delete the that the Mayor be authorized to sign an Agreement for Engineering Services by and between the CITY OF EL PASO and KIMLEY-HORN AND ASSOCIATES, INC., for a Two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the El Paso Public Library, a Host Site Agreement with Paso del Norte Assets for Youth AmeriCorps, an affiliated program of the Corporation for National Service and the Texas Commission on Volunteerism and Community Service. Under the Agreement the City will participate as a Program Partner in affording AmeriCorps members the opportunity to provide service to the community by assisting with the Library's teen program, "hangout@elpasolibrary," at various Library branches. Services shall be provided at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve alcohol at One Arts Festival Plaza at a private party for artists and performers of *Chicano Visions: American Painters On The Verge Exhibition* on the evening of June 14, 2003.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City's Parks and Recreation Department, a Host Site Agreement with the Paso del Norte Assets for Youth AmeriCorps, an affiliated program of the Corporation for National Service and the Texas Commission on Volunteerism and Community Service. Under the Agreements the City will participate as a Program Partner in affording AmeriCorps members the opportunity to provide service to the community at the Carolina Recreation Center. Services shall be provided at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Ysleta Independent School District to provide District school buses for transportation purposes regarding the activities of the "Club Rec Program," Youth Outreach, and other programs of the City's Parks and Recreation Department.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso Independent School District to provide District school buses for transportation purposes regarding the activities of the "Club Rec Program," Youth Outreach, and other programs of the City's Parks and Recreation Department.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **GERARDO A. HERNANDEZ** for the El Paso Library to be paid at the rate of \$5.57 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The term of the contract shall be for the period of June 11, 2003 through June 10, 2004.

Mr. Jorge Artalejo, citizen, commented that the reference section of the library was understaffed and questioned whether the appointment of Mr. Hernandez would address the understaffing issue.

Ms. Carol Brey, Director of Libraries, noted that the position would address the maintenance of computers in the main library computer lab. She remarked that she would discuss Mr. Artalejo's concerns with him and noted that the reference section was staffed at all times at the main library.

Motion made by Representative Cook, seconded by Representative Robert A. Cushing Jr. and unanimously carried to approve the above Resolution.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **IRENE L. LOPEZ**, as a Graduate Intern for Comptroller Department, at an hourly rate of \$8.25, for a minimum of 20 hours per week, up to 30 hours per week. The term of the contract shall be for the period of June 11, 2003 through December 11, 2003.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NOELLE CROUTHERS**, as an Undergraduate Intern for the El Paso International Airport, at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from June 11, 2003 through June 10, 2004.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **TRISTA M. FOX** to assist the El Paso International Airport Aviation Department as a Business Manager and Coordinator at a bi-weekly rate of \$2,115.00, not to exceed 40 hours per week. The term of the contract shall be for the period of June 30, 2003 through June 29, 2004.

NOTE: Resolution was revised to read "at a bi-weekly rate of \$2,115.00" "June 30, 2003 through June 29, 2004" as read into the record by the City Clerk.

Representative Robert A. Cushing Jr. questioned why the position was to be filled by contract, whether or not the position had been advertised for and whether or not Ms. Fox was from out-of-town.

Mr. Patrick Abeln, Director of Aviation, explained that the position would accomplish a number of diverse finite tasks, two computer based and one business based, and added that the position required an individual with CPA experience. He commented on the 150 acres for a new Industrial Park/golf course at the El Paso International Airport. He noted that Ms. Fox was from El Paso and very well qualified for the position as she has experience in audits.

Representative Austin questioned the number of hours per work worked by Ms. Fox.

Ms. Duffy Momsen reread the Resolution into the record for clarification.

Motion made by Representative Robert A. Cushing Jr., seconded by Representative Cook and unanimously carried to approve the above Resolution.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ABIGAIL MARTINEZ** to assist the Mayor's Office as a Secretary II at an hourly rate of \$11.03 for 40 hours per week. The term of the contract shall be for the period of June 13, 2003 through June 9, 2004, subject to approval of the Civil Service Commission.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of July, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3726 Tularosa Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: The West ½ of Lot 20 ad all of Lot 21, Block 1, Map No. 2 of the Government Hill Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 41, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Sergio Diaz & Angelica Diaz, 3726 Tularosa Avenue, El Paso, Texas 79934, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the Plexxar South Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Northern Pass Drive - from the northwest subdivision boundary line to the west property line of Resler Drive

Drainage Improvements:

Storm Drainage System - at Northern Pass Drive; 1-21 Grate Drop Inlet Type III; 672.72 ft. of 36" R.C.P.; and 5-Junction Box/72" Manholes

.....
*Motion made, seconded and unanimously carried that the street and drainage improvements in the Park Hills Unit Three Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Calle Del Sol Drive - from the northeast subdivision boundary line to the west property line of Calle Placido Drive
Calle Placido Drive - from the southwest subdivision boundary line to the northeast subdivision boundary line
Calle Lomas Drive - from the southeast subdivision boundary line to the east property line of Calle Placido Drive; and from the west property line of Calle Placido Drive to the end of cul-de-sac
Calle Del Sur Drive - from the southeast subdivision boundary line to the east property line of Calle Placido Drive

Drainage Improvements:

Storm Drainage System - at Calle Lomas Drive; 1-2 Grate Drop Inlet Type III; 108.26 ft. of 18" R.C.P. 1-Junction Box/48" Manhole; 72.05 ft of 24" R.C.P.' 2-4 Grate Drop Inlets Type I; and 27.64 ft. of 18" R.C.P.

at Calle Placido Drive; 1-7 Grate Drop Inlet Type III; 20.50 ft. of 30" R.C.P; 1-Junction Box/48" Manhole; 562.06 ft. of 36" R.C.P; and 1-Concrete Thrust Block

.....
*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Coach Mechanic I (1)

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Human Resources

Add	2.00	Personnel Analyst II	PM75
Delete	2.00	Personnel Analyst I	PM72

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Fleet Services

Add	4.00	Automotive Technician II	GS19
Delete	4.00	Automotive Technician I	GS17

.....
*Motion made, seconded and unanimously carried to appoint Daphne Hamilton to the Charitable Solicitations Commission by Representative John Cook.

.....
*Motion made, seconded and unanimously carried to appoint Jorge H. Uribarri to El Paso Mountain Committee by Representative Paul J. Escobar.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- Motion made, seconded and unanimously carried that the following tax refunds be approved:

- *Motion made, seconded and unanimously carried to postpone four (4) weeks the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for one (1) additional three year period, from September 1, 2003, through August 31, 2006, pursuant to the provisions of contract 2000-162R, Lease Space for North Central Area WIC Clinic for the City-County Health District, with Mary & Edward Saucedo, \$30,000.00 annually.

Department: City-County Health District
Account No.: 41150011-05524-502400 & 05526
 Projects G4103 WCADMN & G4103WCNE03
Funding source: TDH WIC Services – WIC Admin & WIC Nutrition Bldg Lease
Amount: \$30,000.00 (Annually)

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract for two (2) additional years from September 18, 2003 through September 17, 2005, pursuant to the provisions of contract 2001-294 Aviation Fuel, with Cutter Aviation El Paso, Inc.

Option No.: One (of One)

Department: Police
Funds available: 21150060-503009
Funding source: Police Confiscated Funds
Awarded amount: \$23,162.75 (estimated annually)

.....

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract for one (1) additional year, from August 15, 2003, through August 14, 2004, pursuant to the provisions of contract 2002-190 Ammunition, with GT Distributors, Inc.

Option No.: One (of One)

Department: Police
Funds available: 21010069-01101-503109
Funding source: Police General Funds, Ammunition
Amount Awarded: \$69,414.00 (annual estimate)

.....

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2003-031 for "Less Lethal Munitions", with GT Distributors, Inc.

Department(s): Police
Funds Available: 503109-01101-21010069
Funding Source: General Funds
Item(s): #1 – Drag Stabilized 12-Gauge Bean Bag; 3,919 each @ \$2.88/each
Award Amount: \$11,286.72

.....

*Motion made, seconded and unanimously carried to award Bid No. 2003-132 Medical Waste Collection & Disposal

Award to: North American Waste Assistance Medical LLC
El Paso, Texas

Item(s): All
Amount: \$35,000.00 (estimated annually)

Department: City-County Health
Funds available: 41010142 and 41010140-01101-502204
Funding source: General & Dental Clinics - General Funds - Environmental Contracts
Total award: \$35,000.00 (estimated annually)

The City-County Health Environmental Health District and the Purchasing Department recommend awards as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six month contract with the option to extend for one additional year.

.....

Department: Office of Management and Budget
Funds available: 04010020-0110-502215
Funding source: Office of Management & Budget, General Fund
Total award: \$25,000.00 (estimated annually)

This is a five (5) year contract with the option to extend the contract for two additional one-year periods.

*Motion made, seconded and unanimously carried to award Bid No. 2003-139 Temporary Part-Time Personnel

The City/County Health Environmental District and the Purchasing Department recommend award, as indicated as this vendor is the overall low responsible and responsive bidder meeting specifications.

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-634 PARKS & RECREATION

Increase	\$ 3,207.00	to	51159242/P51800080216141/405072	PrkIdDedFees
Increase	\$ 3,207.00	to	51159242/P51800080216141/508004	PubUseFac
Increase	\$38,385.71	to	51159242/P51800080216141/405072	PrkIdDedFees
Increase	\$38,385.71	to	51159242/P51800080216141/508004	PubUseFac

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-659 COMMUNITY DEVELOPMENT

This transfer sets up the accounts into which Public Service Board will pay their portion of the Collingsworth Phase IV Project, a 26th (2000-2001) Community Development project. The PSB portion covers the 50% that will be paid by the PSB for work done on their infrastructure as a part of the project.

Increase	\$109,047	to	71150065/G7126PS001511074/406002	LocalGrtProc
Increase	\$109,047	to	71150065/G7126PS001511074/508027	Construction

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-661 AIRPORT
Transfer of funds to set up funding for fixed base operators ramp project.

Increase	\$ 235,000	to	62620024/PAP001941054/508024	Testing
Increase	\$ 140,000	to	62620024/PAP001941054/508026	Inspections
Increase	\$7,287,212	to	62620024/PAP001941054/508027	Construction
Increase	\$ 50,000	to	62620024/PAP001941054/508051	CtyEngPrgMgt
Increase	\$7,712,212	to	62620024/PAP001941054/407001	Intrfnd Trnfr In
Increase	\$7,712,212	to	62620018/P50000241021/407002	Est Rev
Increase	\$7,712,212	to	62620018/P50000241021/507001	IntrfdTrnfr Out

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-663
METROPOLITAN PLANNING OFFICE

To provide funding for MPO department program. To increase revenue to the amount that was authorized to spend by FHWA.

Increase	\$323,494	to	68150009/G78020105013/406000	FedGrtProc
Increase	\$ 90,000	to	68150009/G78020105013/501000	Wages/Sal
Increase	\$ 5,000	to	68150009/G78020105013/501002	Overtime
Increase	\$ 2,000	to	68150009/G78020105013/501007	Longevity
Increase	\$ 68,494	to	68150009/G78020105013/501011	Part time
Increase	\$ 1,000	to	68150009/G78020105013/501100	Wrk's Comp
Increase	\$ 3,000	to	68150009/G78020105013/501108	POSCy Cntrib
Increase	\$ 1,000	to	68150009/G78020105013/501114	Life Insurance
Increase	\$ 5,000	to	68150009/G78020105013/501124	City Pension
Increase	\$ 4,000	to	68150009/G78020105013/501129	FICA
Increase	\$ 3,500	to	68150009/G78020105013/504001	Long Distance
Increase	\$ 1,000	to	68150009/G78020105013/504002	Paging
Increase	\$ 20,000	to	68150009/G78020105013/504201	Travel
Increase	\$ 1,000	to	68150009/G78020105013/504203	Mileage
Increase	\$ 2,000	to	68150009/G78020105013/504406	Other Serv
Increase	\$ 8,000	to	68150009/G78020105013/508008	Office Equip
Increase	\$ 5,000	to	68150009/G78020105013/501130	FICA Med
Increase	\$ 3,000	to	68150009/G78020105013/502202	Data Process
Increase	\$ 5,000	to	68150009/G78020105013/502205	Legal Notices
Increase	\$ 77,000	to	68150009/G78020105013/502215	Outside Cnt
Increase	\$ 6,000	to	68150009/G78020105013/502302	Print Shop
Increase	\$ 1,000	to	68150009/G78020105013/502304	Mailroom
Increase	\$ 3,000	to	68150009/G78020105013/503100	Office Sup
Increase	\$ 1,000	to	68150009/G78020105013/503103	Publications
Increase	\$ 5,000	to	68150009/G78020105013/503104	Min Computer
Increase	\$ 2,500	to	68150009/G78020105013/504000	Phone Local

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-668 STREET Replacement of water stops at the expansion joints at the Zaragoza Bridge.

Increase	\$59,905	to	3200082/P50100543001/407001	Intrfrnd Trnfr
Increase	\$ 7,934	to	3200082/P50100543001/508016	Design Fees
Increase	\$49,591	to	3200082/P50100543001/508027	Const Cost
Increase	\$ 1,190	to	3200082/P50100543001/508026	Inspection
Increase	\$ 1,190	to	3200082/P50100543001/508024	Testing

*Motion made, seconded and unanimously carried to approve budget transfer BT2003-675 MUSEUM To appropriate funds for Chicano Visions Exhibition.

Increase	\$30,000	to	54154001/G54000607401/502215	Outside Contr
Increase	\$30,000	to	54154001/G54000607401/407002	Est Rev

*Motion made, seconded and unanimously carried to approve the request of American Heart Association to hold a footrace/walk on September 6, 2003 from 7:00 a.m. to 10:30 a.m. Route: Start at the Chamizal National Park to Delta Dr., proceed on Delta to Boone St., turn right on Paisano, turn left on Washington St. to the El Paso Zoo parking, turn around to Washington St., turn right on Washington to Paisano, turn right on Paisano to Boone St., proceed on Boone St. to Delta, turn right on Delta Dr. and finish at the Chamizal National Park. Approximately 2000 persons and 1 vehicle will participate. This request also includes permission to use amplification (5000 capacity amplifier and 1 microphone for entertainment only) PERMIT NO. 03-077 [Nancy Kurtyka]

*Motion made, seconded and unanimously carried to approve the request of Monastery of Perpetual Adoration to hold a procession on June 22, 2003 from 9:00 a.m. to 10:30 a.m. Route: Start on Magoffin St. to Cotton, turn left on Cotton to Myrtle, turn left on Newman, and finish on Magoffin St. at the church. Approximately 100 persons will participate. This request includes permission to use amplification (2 speakers). PERMIT NO. 03-081 [Teresa Andow]

*Motion made, seconded and unanimously carried to approve the request of Child Crisis Center to hold a 1-mile walk on June 14, 2003 from 7:00 a.m. to 12:00 p.m. Route: Jogging path at Alburn Park, located at 3110 Parkwood. Approximately 300 persons will take part and 30-50 spectators are anticipated. This request also includes permission to use amplification (1 microphone and 2 speakers). PERMIT NO. 03-080 [Ricardo J. Chafino]

*Motion made, seconded and unanimously carried to approve the request of Jose R. Sanchez to block off Kyle St. between Sue Hall St. and Comanche St. on June 21, 2003 from 3:45 p.m. to 9:00 p.m. and June 22, 2003 from 8:00 a.m. to 9:00 p.m. for a block party (matachines). Approximately 9 persons will take part and 80 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 03-082 [Carmen Sanchez]

*Motion made, seconded and unanimously carried to approve the request of El Paso Museum of Art to use amplification (3-200 amps) at Santa Fe and San Francisco on June 14, 2003 from 7:00 p.m. to 11:00 p.m. for a street festival. Approximately 30 persons will take part and 5000 spectators are anticipated. PERMIT NO. 03-087 [Museum of Art, Becky Duval-Reese, (915) 532-1707]

*Motion made, seconded and unanimously carried to approve the request of Texas Avenue Heritage Association to use amplification (3 amplifiers, 2 speakers, and 3 microphones) at the San Jacinto Plaza every Sunday from June 15, 2003 thru July 6, 2003 from 1:00 p.m. to 5:00 p.m. Approximately 10 persons will take part and 250 spectators are anticipated. PERMIT NO. 03-089 [Carlos Rodriguez]

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a portion of Tract 8B and a portion of Tract 5G, Block 11, UPPER VALLEY SURVEYS, El Paso, El Paso County, Texas (Borderland Road North of Artcraft Road) from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Adobe Haciendas Inc. / Representative: Sitework Engineering, LLC; 4120 Rio Bravo Drive Suite 102, El Paso, TX 79902. ZC-03015 **THIS IS AN APPEAL CASE**

*Motion made, seconded and unanimously carried to delete an Ordinance vacating a portion of a dedicated Alley within Block G, Montoya Townsite Supplementary Map No. 2, El Paso, El Paso County, Texas.

ORDINANCE 15464

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF PUBLIC RIGHTS-OF-WAY ALONG SANTA FE STREET BETWEEN MISSOURI AVENUE AND SAN ANTONIO AVENUE; FRANKLIN AVENUE BETWEEN SANTA FE STREET AND EL PASO STREET; MAIN DRIVE BETWEEN SANTA FE STREET AND EL PASO STREET; AND SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN SANTA FE STREET AND EL PASO STREET FOR A CITY-SPONSORED ART AND CULTURAL STREET FESTIVAL FROM 10:00 P.M. ON FRIDAY, JUNE 13, 2003 THROUGH 5:00 A.M. ON SUNDAY, JUNE 15, 2003.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3501 Keltner Avenue in El Paso, Texas, which property is more particularly described as follows:

Lots: 1 through 16, inclusive, Block 88B, First Revised Plat of Logan Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 12, Page 12, Page 37, Plat Records of El Paso County

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Sadeco, Inc., 3501 Keltner Avenue, El Paso, Texas 79904, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 10th, 2003; and

WHEREAS, THE OWNERS, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That portions of the main structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. That the certificate of occupancy for apartments #107 and #108 is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the tenants on apartments #107 and #108 be relocated by June 24th, 2003; and
 - b. That the building permits for the work to be done on Apartments #107 and #108 be obtained by July 10th, 2003; and
 - c. That all work be completed on apartments #107 and #108 by September 9th, 2003; and
 - d. That a public hearing be scheduled for September 23rd, 2003, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to vacate and secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall vacate and secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with vacating, securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Representative Power commented on the "settling" of the building and whether or not settling would continue.

Mr. Maguire responded that the City requested that the owner be given every opportunity to repair the structure and added that the City would monitor the settling of the structure.

Representative Cushing commented on the relocation of the individuals currently residing in the apartments needing repair.

Mr. Maguire responded that two families would be relocated.

Mr. Edmund Esper, property owner, noted that 2/3rd of the structure had been repaired and that an engineer's report provided to the City noted that settling had ceased.

Mr. Maguire explained that the City had received a complaint from a tenant residing within the structure that the doors were no longer closing properly and there was a noticeable slope within the structure.

Mr. Samuel Esper, property owner, provided information pertaining to settling of the structure.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to approve the above Resolution.

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Mr. McNabb explained the language for posting the pre-Council meetings.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- 27A.** An Ordinance repealing Ordinance 14996, which created Tax Incremental Finance (TIF) District #2 by Representative Cobos, District #8; Representative Power, District #5; and Representative Sariñana, District #7.
- 27B.** An Ordinance repealing Ordinance 14999, which created Tax Incremental Finance (TIF) District #3 by Representative Cobos, District #8; Representative Power, District #5; and Representative Sariñana, District #7.

PUBLIC HEARING WILL BE HELD ON JULY 1, 2003, FOR ITEMS 27A – 27B

- 27C.** An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 15, Suspension, Reduction and Discharge, Section 2, Dismissal Notice, to add that notice be required for suspensions and reductions and to provide additional rights to permanent civil service employees. [Human Resources, Terry A. Bond, (915) 541-4509]
- 27D.** An Ordinance vacating a ten-foot (10') utility easement located within a portion of Lot 8, Block 25, Cooperstown Subdivision Unit 2, City of El Paso, El Paso County, Texas (Hwy 54/Sean Haggerty Drive).
- 27E.** An Ordinance vacating a portion of a dedicated alley within Block G, Montoya Townsite Supplementary Map No. 2, El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON JUNE 24, 2003 FOR ITEMS 27C – 27E

- 27F.** An Ordinance changing the zoning of a Portion of Tract 4, Block 10, BOOTHVILLE SUBDIVISION, El Paso, El Paso County, Texas (8621 North Loop) from R-F/sp (Ranch-Farm/Special Permit) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Enrique Castro, 217 Pasodale, El Paso, TX 79907. ZC-03010 **THIS IS AN APPEAL CASE**
- 27G.** An Ordinance granting Special Permit No. SU-03005, to allow for a governmental use on a Portion of Section 17, Block 81, Township 2, T & PRRC SURVEYS, El Paso, El Paso County, Texas (5001 Fred Wilson Road) pursuant to Section 20.46.040.A (Zoning) of the El Paso Municipal Code. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZONE: M-1 (Manufacturing). Applicant: El Paso City-County Health & Environmental District/ Representative: PSRBB Architects, 1845 Northwestern, Suite A, El Paso, TX 79912.

PUBLIC HEARING WILL BE HELD ON JULY 1, 2003, FOR ITEMS 27F – 27G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Ms. Rita Rodriguez, City Attorney, explained that the item had been placed on the agenda; however, the City Clerk's office had not received backup information for public posting.

Representative Cook questioned whether or not Mr. Bennett could provide his document to the City Clerk for the record.

Representative Escobar commented that he perceived Mr. Bennett was implying his company be awarded the third-party contract.

Mr. Bennett questioned why contract language was written within the Ordinance.

Representative Austin requested Mr. Sariñana hand his document to the City Clerk for the record.

Mr. Luis Sariñana, former City Representative, explained that he had requested his former staff member(s) forward the Ordinance language introduced in January 2003. He stated that the Ordinance introduced today had been modified on page two.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the "caption" of the Ordinance, as listed on the agenda, may be revised as per the Building Permits and Inspections Department.

Mr. Conrad Conde, Vice-Chairman of the Building Zoning Advisory Committee, explained that the BZAC was in the process of revising the Ordinance language to remove the contractual language from the Ordinance and that the Ordinance would be brought before Council Members as quickly as possible.

Representative Power requested that the Introduction of the Ordinance be deleted.

Ms. Rodriguez noted that Ordinance 010397 provided that copies of the Ordinance should have been distributed to the Mayor and Council Members prior to the City Council meeting today.

Representative Cook withdrew his Motion to approve the introduction of the Ordinance. Representative Power seconded.

Representative Cobos commented on Mr. Sariñana's persistence in favor of passage of the Ordinance.

Representative Austin requested the document have specific language written within the footer of the Ordinance document.

Ms. Lisa Turner, citizen, commented that the public had not perused the document and that the Introduction of the Ordinance would require deletion.

Mr. Sariñana requested that a date be given noting when the Ordinance introduction would be held.

Mr. Conde responded that it was the goal of the BZAC to hold the introduction of the Ordinance in mid-July.

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss and take action on any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and Action on Personnel Item - Jesus Barrazas (551.074)

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 12:14 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
 Motion made by Representative Cobos, seconded by Representative Cushing and carried that the employment contract with Jesus Barrazas be terminated for convenience.

Representative Cook was not present for the vote.

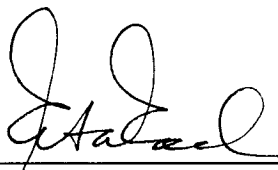
.....
 Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 12:15 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



 Richarda Duffy Momsen, City Clerk



 Rita Rodriguez, City Attorney